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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,310	07/23/2003	Norihiko Furuta	488-00058	8383

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EXAMINER

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/625,310

Applicant(s)

FURUTA, NORIHIKO

Examiner

Eric K Nicholson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8-02-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

#### **Specification**

The amendment is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: In the specification page 6, line 31 “for a distance **equal** to”. While the examiner agrees that the drawings provide basis for the socket fitting to be “longer than three corrugation widths of the corrugated metal tube” there appears to be no basis in the drawings or specification for the socket fitting to be of a length “**equal** to.....three corrugation widths of the corrugated metal tube”. Further in claims 3 and 5 there is no basis for the socket fitting to extend “**equal** to” “an outer diameter of the corrugated metal tube.

Applicant is required to cancel the new matter in the reply to this Office Action.

### **Claim Rejections –35 USC § 112**

Claims 1-6 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In amended claim 1 and new claim 4, “for a distance **equal** to” is considered to be new matter. While the examiner agrees that the drawings provide basis for the socket fitting to be “longer than three corrugation widths of the corrugated metal tube” there appears to be no basis in the drawings or specification for the socket fitting to be of a length

“equal to.....three corrugation widths of the corrugated metal tube”. Further in claims 3 and 5 there is no basis for the socket fitting to extend “equal to” “an outer diameter of the corrugated metal tube.

### **Claim Rejections – 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 1,970,050 to Mathey. The coupling of Mathey as shown in figure 3 illustrates all the features of the present invention including hose body 11 having a corrugated metal tube 12 as an inner layer and an outer layer 11 circumscribing a radial outer side thereof. A connecting part 5 arranged on end portion of the hose. A rigid insert pipe 10 provided on the connecting part 5 wherein the insert pipe is inserted in an axial end portion of the hose body (see fig. 3) and secured to an end portion of the corrugated metal tube. A socket fitting 4 is fitted on end portion of the hose body securely compressed radially inward via nut and bolt 18,19 (page 1, lines 50-55) to be secured to an end portion of the hose body with the socket fitting extending longitudinally of the hose beyond an inserted end of the insert pipe in a direction away from an end of the hose body and extending longer than three corrugation widths of the corrugated metal tube. As to claims 3 and

5, as can be see in fig. 3 the length of the socket fitting extends longer than an outer diameter of the corrugated metal tube. As to claims 2 and 6, as clearly shown in fig. 3 the rigid insert pipe 10 is formed integrally with the connecting part 5.

Claims 1,2,4 and 6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 2,216,468 to Farrar. The coupling of Farra as shown in figure 2 illustrates all the features of the present invention including hose body 10 having a corrugated metal tube 20 as an inner layer and an outer layer 26 circumscribing a radial outer side thereof. A connecting part 14 arranged on end portion of the hose. A rigid insert pipe is provided as the end portion of the connecting part 5 wherein the insert pipe is inserted in an axial end portion of the hose body (see fig. 2) and secured to an end portion of the corrugated metal tube 18. A socket fitting 28 is fitted on end portion of the hose body securely compressed radially inward (page 2, lines 30-35 and compare figs. 5 and 2) to be secured to an end portion of the hose body with the socket fitting extending longitudinally of the hose beyond an inserted end of the insert pipe in a direction away from an end of the hose body and extending longer than three corrugation widths of the corrugated metal tube as shown in fig. 2. As to claims 2 and 6, as clearly shown in fig. 2 the rigid insert pipe end portion is formed integrally as the end of the connecting part 14.

## **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note the **patent 1,999,663 to Paige** which also illustrates the present invention with hose body 1 and 2, connecting part 13 having in insert pipe 16 as shown in fig. II and a socket fitting 10 which compresses the hose body and extends longer than three corrugations widths of the corrugated metal tube.

Applicant's remarks with regards to amended claims 1 and 2 and new claims 3-6 have been considered moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

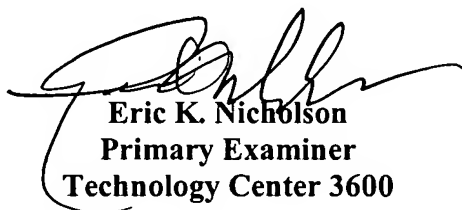
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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1-28-05



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